TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Delegation Request, DG 12-1-05 Lakeside Village at Davie, 6990 Griffin

Road/Generally located on Griffin Road, east of SW 70 Avenue (Viele

Road)

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS LAKESIDE VILLAGE AT DAVIE; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The uses approved on the master site plan for Lakeside Village at Davie do not precisely match the restrictive note that Broward County approved on the plat. The terminology for describing development on a master site plan and how it is described on plat in order to assess impacts can be confusing. While a description may allow a use, it may be too broad for assessing impact fees. This problem was discovered upon Broward County's review of the building permits for the structures.

The dwellings in the mixed use structure were originally thought to be garden apartments, but it was found that because they are multi-story, have garages, and are sold fee simple, they are considered townhomes. The commercial space was thought to be half office and the other half unrestricted commercial. However, banks, convenience stores, and fast food restaurants, which are unrestricted commercial uses, are not allowed in the buildings.

The existing plat note states: "This plat is restricted to 63 detached units; 28 garden apartments; and, on Tracts A and B: 11,150 square feet of office; 1,020 square feet of unrestricted commercial; and 2,018 square feet of restricted commercial use. The commercial uses are further restricted to neighborhood retail sales of merchandise or services in compliance with the effective land use plan. Banks are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

The proposed plat note states: "This plat is restricted to 63 detached single family units; 28 townhouses; 7,954 square feet of office on Tract A; and 5,970 square feet of commercial (excluding banks, convenience stores, and fast food restaurants) on Tract B."

Approval of the request is necessary to implement the approved master site plan. The new note has no impact on the amount or type of development that was approved on the master site plan.

PREVIOUS ACTIONS: None

CONCURRENCES: N/A

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Staff Report

RESOLUTION NO	
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A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS LAKESIDE VILLAGE AT DAVIE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Lakeside Village at Davie Plat was approved by the Town Council of the Town of Davie on November 3, 2004; and

WHEREAS, the Lakeside Village at Davie Plat was recorded in the official records of Broward County in Plat Book 175, Pages 10-13; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

<u>SECTION 1</u>. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the Lakeside Village at Davie Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

<u>SECTION 2</u>. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPT	TED THIS	DAY OF	, 2006.
Attest:			MAYOR/COUNCILMEMBER
TOWN CLERK			
APPROVED THIS	DAY OF		, 2006

Application: DG 12-1-05 Lakeside Village at Davie

Exhibit "A" Original Report Date: 12/20/05

TOWN OF DAVIE

Revisions:

Development Services Department Planning and Zoning Division Staff Report and Recommendation

Applicant Information

Owner:

Name: Jordan Klemow, Managing Member

Lakeside Village of Davie, LLC

Address: 2001 West Sample Road, Suite 320

City: Pompano Beach, FL 33064

Phone: (954) 969-5111

Petitioner:

Name: Donna C. West, P.S.M.

Carnahan, Proctor, Cross, Inc.

Address: 6101 West Atlantic Boulevard

City: Margate, FL 33063 **Phone:** (954) 972-3959

Background Information

Application Request: Approval of the resolution to authorize the change in the restrictive

note on the Lakeside Village at Davie Plat.

Existing Plat Note: "This plat is restricted to 63 detached units; 28 garden apartments;

and, on Tracts A and B: 11,150 square feet of office; 1,020 square feet of unrestricted commercial; and 2,018 square feet of restricted commercial use. The commercial uses are further restricted to neighborhood retail sales of merchandise or services in compliance with the effective land use plan. Banks are not permitted without the approval of the Board of County Commissioners who shall

review and address these uses for increased impacts."

Proposed Plat Note: "This plat is restricted to 63 detached single family units; 28

townhouses; 7,954 square feet of office on Tract A; and 5,970 square feet of commercial (excluding banks, convenience stores, and fast

food restaurants) on Tract B."

Address/Location: 6990 Griffin Road/Generally located on Griffin Road, east of SW 70

Avenue (Viele Road).

Future Land Use

Plan Map Designations: Residential (10 DU/AC), 9.03 gross acres

Residential (5 DU/AC), 17.52 gross acres Residential (1 DU/AC), 5.77 gross acres

Zoning: Griffin Corridor District (West Gateway Use Zone 1)

Existing/Proposed Use: The development known as "Lakeside Village at Davie"; a mixed

use subdivision with 63 single family lots, 14,126 square feet of commercial space within two (2) structures adjacent to Griffin Road

with 28 dwelling units on the second and third floors.

Gross Parcel Size: 30.862 acres (1,344,348.72 square feet)

Net Parcel Size: 29.37 acres (1,279,357.2 square feet)

Surrounding Uses:

North: Griffin Road, C-11 Canal South: Single family dwellings

East: Vacant FDOT parcel, Single family dwelling, Office building, Old Davie School,

Single family dwellings

West: Vacant parcel and Single family dwellings

Surrounding Future Land Use Plan Map Designations:

North: Recreation/Open Space
South: Residential (1 DU/AC)
East: Regional Activity Center

West: Commercial and Residential (3 DU/AC)

Surrounding Zoning:

North: Griffin Road, Recreation/Open Space

South: A-1, Agricultural District

East: Griffin Corridor District (Downtown Use Zone 2)

RM-10, Medium Density Dwelling District

West: Griffin Corridor District (West Gateway Use Zone 1)

R-3, Low Density Dwelling District and A-1, Agricultural District

Zoning History

Related Zoning History: The northern 300' of the property adjacent to Griffin Road was rezoned to Griffin Corridor District (West Gateway Use Zone 1) on February 2, 2000.

Previous Requests on same property: The variance, V 5-3-98 Felicella/Viele, which requested four (4) variances to allow an office building at 6900 Griffin Road to become a legal conforming structure, was denied on February 3, 1999 (Motion carried 5-0).

The rezoning, master site plan, and plat, known as Brookside at Davie (Centex Homes/Miller, Legg & Associates), were denied on August 20, 2003. The request was to rezone 23.659 acres from: A-1, Agricultural District to: Griffin Corridor District (West Gateway Use Zone 1); allocating 2.455 acres of commercial flexibility adjacent to Griffin Road and assigning 35 reserve units in order to allow the development of two (2) mixed use structures and 198 multifamily condominium units.

The rezoning, master site plan, plat, developers agreement for Lakeside Village at Davie, were approved at the November 3, 2004, Town Council meeting. The approval changed the 30.862 acres subject site from: A-1, Agricultural District and Griffin Corridor District (West Gateway Use Zone 1); to: Griffin Corridor District (West Gateway Use Zone 1), allocating 4.436 acres of commercial flexibility adjacent to Griffin Road, from Flex Zone 102, to allow for a mixed use subdivision consisting of 63 single family lots, and 14,126 square feet of commercial space within two (2) structures adjacent to Griffin Road with 28 dwelling units on the second and third floors.

Applicable Codes and Ordinances

§12-32.300. Griffin Corridor District.

§12-32.301. Intent, applicability and boundaries.

- (A) *Intent*. This district is intended to shape urban form and land use along the Griffin Road corridor. The regulations and intent statements contained herein together comprise a policy blueprint for corridor development. Specifically, the district is intended to accomplish the following:
 - (1) Result in improved living and working environments relative to typical highway commercial development patterns.
 - (2) Enhance the town's tax base by increasing property values through high-quality development, and assisting in the redevelopment of downtown.
 - (3) Promote planned developments rather than haphazard speculative development that compromises the integrity of the corridor and the economic health of the town.
 - (4) Promote land uses which attract people for specific purposes such as employment, entertainment, business needs, and shopping, as distinguished from land uses which depend largely upon pass-by traffic for business.
 - (5) Create a showcase corridor which serves as the prominent east-west thoroughfare providing a linkage between the State Road 7, Florida Turnpike, Davie Road, and University Drive corridors; the major north-south urban thoroughfares within the town.
 - (6) Protect the integrity of adjacent residential neighborhoods.
 - (7) Permit a mix of residential and nonresidential development, including mixed uses within buildings or parcels.
 - (8) Compliment rather than compete with downtown or University Drive commercial corridor development.
 - (9) Encourage visual interest by ensuring the building and visual landscapes are accented rather than their parking facilities.

- (10) Bring buildings to the roadway and ensure proper proportioning to "enclose" the corridor, and provide a sense of place.
- (11) Provide for preservation of historical structures.
- (12) Provide for public amenities and pedestrian conveniences.
- (13) Maintain flexibility so as not to restrict creativity in development and design, while producing development that adheres to the intent of the District, contributing positively to the image of the town.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The uses approved on the master site plan for Lakeside Village at Davie do not precisely match the restrictive note that Broward County approved on the plat. The terminology for describing development on a master site plan and how it is described on plat in order to assess impacts can be confusing. While a description may allow a use, it may be too broad for assessing impact fees. This problem was discovered upon Broward County's review of the building permits for the structures.

The dwellings in the mixed use structure were originally thought to be condominiums, but it was found that because they are multi-story, have garages, and are sold fee simple, they are considered townhomes. The commercial space was thought to be half office and the other half unrestricted commercial. However, banks, convenience stores, and fast food restaurants, which are unrestricted commercial uses, are not allowed in the buildings.

Staff Analysis

Approval of the request is necessary to implement the approved master site plan. The plat note as proposed has no impact on the amount or type of development that was approved on the master site plan.

Findings of Fact

Staff finds that the site plan is in conformance with all applicable Codes and Ordinances. The development, as proposed, can be considered compatible with the surrounding properties.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Town Council Action

Exhibits

- 1. Justification
- 2. Plat
- 3. Future Land Use Plan Map
- 4. Zoning and Aerial Map

Prepared by:	Reviewed by:

LAKESIDE VILLAGE AT DAVIE PLAT NOTE AMENDMENT JUSTIFICATION STATEMENT

This request is being made for two reasons. First, to bring the plat note restriction into conformity with the approved site plan. Originally the multi-family residences were planned as garden apartments, but early on they were changed to townhomes and approved by the Town of Davie as townhomes. Inadvertently, the plat note was never updated and brought into conformity with the site plan.

Second, now that the county has seen the building plans for the multi-use buildings, they have requested that we amend the plat note so that any of the non-residential area in the smaller building (on Tract B) could be commercial as far as the county impacts are concerned, and all of the larger building (on Tract A) could be office. This would allow the city to determine which portions of the Tract B building would be office and which would be commercial, because the county's commercial approval would allow either use. This way the county would not have to try to monitor which portions of the building are office and which are commercial, which they have found they don't have the ability to do.

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LAKESIDE VILLAGE AT DAVIE

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EXISTING NOTE:

THIS PLAT IS RESTRICTED TO: 63 DETACHED UNITS; 28 GARDEN APARTMENTS; AND, ON TRACTS A AND B: 11,150 SQUARE FEET OF OFFICE; 1.020 SQUARE FEET OF UNRESTRICTED COMMERCIAL; AND 2,018 SQUARE FEET OF RESTRICTED COMMERCIAL USE. THE COMMERCIAL USES ARE FURTHER RESTRICTED TO NEIGHBORHOOD RETAIL SALES OF MERCHANDISE OR SERVICES IN COMPLIANCE WITH THE EFFECTIVE LAND USE PLAN. BANKS ARE NOT PERMITTED WITHOUT THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS WHO SHALL REVIEW AND ADDRESS THESE USES FOR INCREASED IMPACTS.

PROPOSED NOTE:

THIS PLAT IS RESTRICTED TO: 63 DETACHED SINGLE FAMILY UNITS; 28 TOWNHOUSES; 7.954 SQUARE FEET OF OFFICE ON TRACT A; AND 5.970 SQUARE FEET OF COMMERCIAL (EXCLUDING BANKS, CONVENIENCE STORES. AND FAST FOOD RESTAURANTS) ON TRACT B.

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